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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,513	03/07/2002	Dean Moses	19312.0020	8808

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EXAMINER
DINH, DUNG C

ART UNIT	PAPER NUMBER
2153	10

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,513	MOSES ET AL.	
	Examiner	Art Unit	
	Dung Dinh	2153	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/27/03 have been fully considered but they are not persuasive.

Applicant argued that Stefik's ticket does not function as a "reference to an object." The argument is not persuasive because the term 'object' is generic enough to include digital work as disclosed by Stefik. There is nothing in the claim to limit the term 'object' to be an invokable programmatic instance. Each Stefan's ticket provides access permission to a particular digital work. A particular ticket is associated with a corresponding digital work. A digital work is an object. Hence, a ticket is a reference to an object as claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of

this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-13, 14-26, 27-39, 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefik et al. US patent 6,236,971.

As per claim 1, Stefik teaches a method for sharing an object [digital work] comprising the steps of:

storing a reference [digital ticket] to the object in a first repository [see col.51 claim 1 step d - "second repository"];

performing a first operation to store a duplicate of the reference to the object in a second repository [col.51 step e - "third repository"];

wherein the first operation is in accordance with a first privilege granted as defined by a permission [claim 3 - permission granted as a result of paying a fee].

As per claim 2, Stefik teaches the reference is to an object of a first site ["first repository"].

As per claim 3, Stefik teaches adding the object to a second site [col.51 step i].

As per claims 4-5, Stefik teaches an operating to remove the object from a repository [col.38 lines 18-29].

As per claim 6, it is apparent Stefik provides access to the duplicate of the reference [i.e. another repository requesting the digital ticket].

As per claims 7-9, Stefik teaches access is in accordance with a second privilege [apparent from col.11 lines 33-44, col.44 lines 8-23, col.46 lines 1-20] and storing in a third repository [the distributor repository, etc.].

As per claims 10-11, Stefik teaches an operating to remove the object from a repository [col.38 lines 18-29].

As per claim 12, Stefik teaches reference to child object [apparent from col. 11 line 58 to col.12 line 8].

As per claim 13, Stefik teaches excluding reference to a child object [apparent from col.12 lines 21-38].

As per claims 14-26 and 27-39, they are rejected under similar rationales as for claims 1-13 above.

As per claim 40, it is rejected under similar rationale as for claim 1 above. Since the object (digital work) is originally stored in Stefik's "first repository", Stefik's "second repository" and "third repository" can 'share' a reference (digital ticket) to the object stored on the "first repository". Hence, the repositories comprise a shared repository as claimed.

As per claim 41, it is apparent that a second copy of the reference (digital ticket) can be made to a another third repository if the ticket permits multiple copies.

As per claim 42, another third repository would be considered as part of a shared repository for the same rationale as stated for claim 40 above.

As per claim 43, Stefik teaches the reference (digital ticket) is copied from one repository to another [col.51 line 45, col.4 lines 37-40]. The object (digital work) itself is not transferred to the repository until access to the object is requested using the reference (digital ticket). Hence, the object is not copied to the repository during the creation of the copy of the reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al. US patent 6,236,971.

As per claim 44, Stefik does not specifically disclose storing object in a database remote from the shared repository. However, for reliability purposes, it is well known in the art to store data in a remote database for archival or backup. Hence, it would have been obvious for one of ordinary skill in the art to store the object in a remote database because it would have enabled backup of the object.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 746-7238, (for formal communications; please mark "EXPEDITED PROCEDURE")

(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Fourth Floor (Receptionist).

Dung Dinh
Primary Examiner
August 6, 2003